

CLEAN AIR ACT (CAA)7-100. Approval of State Rules and Programs for Hazardous Air Pollutants1. AUTHORITY.

a. To approve or disapprove State requests to implement and enforce unchanged Federal Section 112 emission standards pursuant to subsection 112(l) of the Clean Air Act, using criteria defined in 40 CFR 63.91, and to notify the State of such actions.

b. To approve or disapprove State rules that adjust a Federal Section 112 rule, using criteria defined in 40 CFR 63.91 and 63.92, and to notify the State of such actions.

c. To approve or disapprove State rules and requirements that substitute for a Federal Section 112 rule, using criteria defined in 40 CFR 63.91 and 63.93, and to notify the State of such actions.

d. To approve or disapprove State programs that serve as substitutes for Section 112 emission standards, using criteria defined in 40 CFR 63.91 and 63.94, and to notify the State of such actions.

e. To approve or disapprove State Accidental Release Prevention Programs, using criteria defined in 40 CFR 63.91, 63.92, or 63.93 and 63.95, and to notify the State of such actions.

f. To make completeness determinations pursuant to 40 CFR 63.91(a)(1), and to notify the State of such determinations.

g. To make information requests pursuant to 40 CFR 63.96(a).

h. To make determinations of adequacy for the purpose of withdrawing State rules or programs pursuant to 40 CFR 63.96(b), and to conduct withdrawal proceedings pursuant to 40 CFR 63.96(b).

i. To approve or disapprove revisions to previously approved rules, programs, or other authorities pursuant to 40 CFR 63.91(c).

j. To approve or disapprove State rules and programs limiting a source's potential to emit hazardous air pollutants pursuant to subsection 112(l) of the Clean Air Act and to notify the State of such actions.

CLEAN AIR ACT (CAA)7-100. Approval of State Rules and Programs for Hazardous Air Pollutants (Cont.)2. TO WHOM DELEGATED.

a. The authority in 1.a. is delegated to the Director, Air Protection Division (APD).

b. The authorities in 1.f. and 1.g. are delegated to the Director, APD, ~~and to the Associate Director for Enforcement and Permits Policy, APD.~~

c. All other authorities are reserved to the Regional Administrator.

3. LIMITATIONS. Prior to exercising authorities 1.c., 1.d., 1.e. and 1.h., the Regional Administrator shall afford the Assistant Administrators for Air and Radiation; Enforcement and Compliance Assurance; and Solid Waste and Emergency Response (as applicable), and the General Counsel (Headquarters offices) an opportunity to review, and if necessary nonconcur on, a Region's proposed decision within 15 days after the Regional Office submits the draft final Federal Register notice to each of these Headquarters offices. EPA Headquarters will evaluate the need for a non-concurrence role three years from the date on which this delegation is approved.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Subsection 112(l) of the Clean Air Act.

b. 40 CFR Part 63, Subpart B, "Approval of State Programs and Delegation of Federal

Authorities

Date 9/24/98

/s/  
W. Michael McCabe  
Regional Administrator